

<p style="text-align: center;"><b>SAMPLE</b> <b>LETTER TO INFORM EMPLOYEE OF</b> <b>OPPORTUNITY TO IMPROVE PERFORMANCE</b></p>
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**[NOTE: All Footnotes and Brackets below contain supervisory instructions and should not be included in the final letter. All letters affecting or proposing disciplinary action should be reviewed by an Employee Relations Specialist prior to issuance. See instructions in Chapter 2 regarding supervisory-maintained personnel records.]**

To:           Employee Name, Title

From:        Supervisor, Title

Subject:      Performance Improvement Plan

The purpose of this memorandum is to afford you a formal, structured opportunity to demonstrate acceptable performance in all the critical elements of your position. This memorandum confirms our discussion of August 10, 20\_\_, during which I informed you that you are failing to meet the standard for certain critical results of your position. **[If applicable, you can summarize any informal counseling you provided to the employee in assisting him/her in improving performance.]**

Because your current performance is unacceptable, you will now be provided a formal opportunity to demonstrate that you can perform at the "Results Achieved" level with respect to the critical results and performance indicators, listed below. This formal opportunity period will begin on August 12, 20\_\_ and end on November 30, 20\_\_. If at the end of this period your performance has not improved to the "Results Achieved" level, or if your performance does improve to the "Results Achieved" level but you do not sustain that level for at least one year, then you may be reassigned or a proposal may be issued to remove you from the Service or reduce you in grade. **[If applicable, you may postpone the annual rating until after the completion of the opportunity to improve period.]** Your annual rating for the period from October 1, 20\_\_ through September 30, 20\_\_ will be postponed until after you have completed this opportunity period.<sup>1</sup>

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<sup>1</sup> When the annual rating is postponed until after the completion of the opportunity period, the appraisal completed at that time will cover the period ending on the date the new rating is assigned (e.g., if an employee's opportunity period ends on 11/30/97, the appraisal period for his/her annual rating will be from 10/1/96 to 11/30/97.)

[If the employee is due to receive his/her within-grade increase (WGI), the acceptable level of competence determination (or "satisfactory performance determination" for Federal Wage System employees) for granting the WGI can be postponed until the end of the opportunity to improve period.] You will complete your waiting period for a within-grade increase on October 5, 20\_\_ (i.e., during your opportunity to improve period). Because I must certify that you are performing at an acceptable level of competence [or "satisfactory level" for wage system employees] in order for you to receive your step increase, I have decided to postpone my decision regarding whether or not your performance is at an acceptable level of competence [or "satisfactory level" for wage system employees] until you complete your opportunity to improve period. At that time I will inform you in writing of my decision with respect to your within-grade increase. If you have demonstrated performance at an acceptable level of competence [or at a "satisfactory level" for wage system employees] you will receive your within-grade step increase retroactive to October 5, 20\_\_.<sup>2</sup>

The critical result(s) and performance indicator(s) that you are failing and examples of your unacceptable performance follow:

[State the critical result and performance indicators for each failed critical result followed by representative examples of performance for each critical result the employee is failing to meet. Examples should be concise, direct, and easy to understand with enough specificity so that the employee has sufficient information to know what the performance deficiencies are. As applicable, this could include information on what the employee did (or did not do) with reference to specific dates, places, cases, etc., and what the employee should have done. Examples should not be broad, vague, or imprecise. As appropriate, examples should include reference to required procedures, counseling, or instructions given previously concerning the matter, and any harm caused by or resulting from the deficiency. Each example listed should have supporting documentation (i.e., if a draft letter is mentioned as an example in the opportunity letter, a copy of the draft letter should be kept as supporting documentation for the example.) The following are examples of how the elements should be listed and how the examples of "fails to meet" performance should be written.]

*(The following are examples of notices of unacceptable performance for several different occupations. You must adjust to the standards for your employee.)*

**CRITICAL RESULT 1 (Technical Competence in Fishery Biology)** - Employee's work products and activities consistently reflect a full and up-to-date command of the methods, approaches, techniques, and technologies involved in fish biology and impact assessments. Employee also displays a working knowledge of the theories, concepts, laws, regulations, and policies associated with fish habitat protection. Employee demonstrates consistent factual reliability and good technical judgment.

You are failing to meet the Results Achieved level in this critical result of your position.

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<sup>2</sup> Call the Personnel Office regarding the procedures to follow in denying a within-grade increase.

**Example 1 - Mary Douglas Park Project** - Your draft letter was very critical of the project, yet it did not present a good case for your recommendation that the project be dropped. It did not discuss the potential loss of habitat as a result of the project construction, and a significant probable impact, the threat of fish stranding, was not mentioned in the first draft. The National Environmental Policy Act (NEPA) and the Coordination Act were improperly referred to as our authority for providing comments. Actually, neither Act comes into play at this point because no Federal action is involved. Your letter also contained a harsh condemnation of structural fish mitigation measures that was not appropriate to the project.

**Example 2 - Russell Street Project** - Your initial mitigation recommendations were inappropriate in that they were excessive. While the Department of Transportation (DOT) had proposed full mitigation, you suggested that they create 3 times the amount of wetlands lost. Enhancement was not indicated in this case and, as you found out from further conversations with DOT, was not physically possible. Furthermore, the justification you used was based on resources (breeding waterfowl) that were not affected by the project. Despite meeting with the applicant and inspecting the site, you were unsure of specifics of the project design and had to make subsequent contacts with the applicant after you had completed the first draft.

**Example 3 - Gold Hill Mine (GHM) Application** - You were assigned to review the GHM application on June 30, 20\_\_\_. After spending a considerable amount of time working on the assignment, meeting with the applicant representatives, touring the site, and consulting with representatives of other agencies, you prepared a draft comment letter. During my review and subsequent discussions with you, I found that you have very little understanding of the proposed project plans, the type and extent of habitat modifications, or the mine permit process. You could not describe to me, even in general terms, the size and configuration of the proposed dam and coal slurry pond, which was the subject of the permit. A great deal of additional coordination was necessary over the next week before you could answer my questions. I received telephone complaints from the mine operator and GHM representatives regarding your inability to understand the project or focus on the issues, and the amount of time they had spent trying to help you.

The application requested 6 modifications; your letter made no mention of 3 of them. While your draft made a number of recommendations concerning alternative analysis, mitigation, water quality, restoration, and erosion control, you were uninformed about the applicant's existing plans to address these issues. Several of the environmental concerns you raised were poorly developed and not substantiated. You were required to prepare 2 drafts. As a result of these problems, the due date of this product was missed.

**CRITICAL RESULT 4 - (*Written Communication*)** - Employee's reports, letters, memos, and other written communications are consistently clear, concise, well-constructed, delivered in accepted formats, targeted to the needs and expectations of intended audiences, and submitted timely.

You are failing to meet the Results Achieved level in this critical result of your position.

**Example 1 - Russell Street Project** - On June 17, 20\_\_ I assigned you to review the Environmental Impact Statement (EIS) for the Russell Street project. At that time you were informed that the final, completed comments on the EIS had to be received in the Office on July 27, 20\_\_, which gave you 5 weeks to complete the project. You did not submit your first draft to me until the morning of July 28. Your first and second draft reports required major revision and an extensive amount of supervisory involvement to arrive at the final version. The report was not completed and in final type until July 31, 4 days after it was due. My previous instruction to you has been to provide me with draft documents at least one week before they are due out of the office.

As I stated in my counseling memo of August 2, 20\_\_ and as I discussed with you in meetings on July 29 and 30, 20\_\_, your style of writing in the report was unacceptable. The manner in which the fourth paragraph was written implied that the DOT was in the process of developing storm water detention ponds and calling them "wetland mitigation." Because of the problems with the composition of this paragraph, and the fact that you lacked the information to make it say what it needed to, you had to make several additional phone calls and rewrite the paragraph. Even after the second draft, I had to totally rewrite the paragraph before it clearly and accurately conveyed the information (i.e., FWS was concerned with how the highway contaminants might affect the habitat value of the wetlands).

Other editing and rewriting was required in the document. The opening sentence had to be rewritten to accurately identify the requester of the comments; there were several unnecessary paragraphs; some sentences had to be rewritten because they were unclear; there were grammatical errors; and you used the wrong name for our office in the document.

**Example 2 - Sherwood National Forest Proposed Resource Management Plan** - You were given this assignment on March 15, 20\_\_. While your first draft was completed in adequate time, the extensive editing and redrafting that was required to complete the job caused it to leave our office late. This was inexcusable, considering that you had 2 months to work on it and very few other assignments during this time.

Your initial draft was poorly written. Much of the material was unnecessary and had to be removed. The organization was poor and difficult to comprehend. For example, one of the main points, i.e., which of the 15 alternative best favored fish and wildlife resources, did not occur until the middle of page 5. You did not use standard format (as specified in *give policy directive if applicable*), and the format for the specific comments varied throughout the document. The summary paragraph was an unorganized collection of topic sentences from previous reports. The report gave inconsistent signals, criticizing the lack of information yet complementing the Forest Service for their informative document.

I met with you on several occasions to discuss your work on this project, and gave you a written critique on April 24.

These examples are not comprehensive, but they illustrate a general pattern of performance that is less than acceptable.

**[Include advice or guidance as to what must be done to bring the performance up to an acceptable level. This could include such things as how time would be best spent (prioritizing and planning), suggested sources of assistance or information, ways or techniques of performing work, formal or informal training planned, etc. In conjunction with the performance standards and counseling sessions or memoranda, this paragraph should make clear exactly what is expected of the employee. An example follows.]**

During your opportunity period, you will need to do the following in order to meet the Results Achieved level in the critical results listed above:

1. You must take particular care in preparing reports and correspondence. Your written products must be concise and to the point, clearly written, well organized, and complete. The content must be appropriate to the matter at hand. You must avoid redundancy. You must pay particular attention to grammatical correctness. Your work products must be submitted in a timely manner (generally one week before the official due date; specific deadlines will be noted in my written assignment to you). They should be complete so as not to require extensive editing. The adequacy of your written product will be judged based on the first draft you turn in to me; it should be as complete as you intend to make it at that point. Any need on your part to further investigate, coordinate or redraft after the initial draft may be considered the result of incomplete staff work.
2. You must improve your ability to quickly and independently consider the range of possible impacts, both positive and negative attributable to a project; prioritize your concerns with regard to the resources involved and the significance of those resources, the degree of impact, and our legislative abilities to influence change; AND prepare the documentation needed to adequately support your conclusions. You should read through the project plans when they are assigned to you and plan and prioritize your work effectively so that you will be able to complete it on time.

***November 2001***

3. If you identify that there is training that might help you improve your performance, you should bring it to my attention, and we will discuss whether it would be helpful for you to attend the training.
4. Etc.

**[Describe the supervisory assistance and support that will be provided to the employee. This could include any specific work reviews and/or counseling sessions planned, or other active assistance/training planned on work techniques, time management, or technical issues. An example follows.]**

You may expect the following from me in helping you improve to an acceptable level:

1. I will make assignments (other than routine assignments) to you in writing. I will also discuss the assignment with you before you begin, if necessary.
2. As you work on the assignment, I will be available to discuss your progress, questions, and problems. Feel free to approach me at any time to discuss your work.
3. I will meet with you every (week/two weeks), or as needed, to give you on-going feedback on your progress on each performance element. As you complete each assignment, I will personally review it and meet with you, if necessary, in order to provide you with feedback. At the conclusion of each assignment, I will provide you with a memo that conveys my appraisal of your work on that assignment. Throughout this process, I will strive to provide constructive criticism to help you improve your performance.
4. I have arranged for you to attend a training session on (time management) on August 30.

Your work is critical to the achievement of the (Field Office, Refuge etc ) objectives. If you do not raise your performance to an acceptable level during this period you may be reassigned, demoted or removed from your position with the Service.

A copy of your (FY \_\_) performance plan is attached. Please review it and make sure that you understand what is required of you to be fully satisfactory. If you have any questions, please ask. I will consider adjusting the performance plan if there are changes in the nature of your work. If you believe this is so, please discuss this with me immediately.

If you believe that personal, medical, or other problems are reasons for your performance difficulties, you may provide documentation of the medical condition or raise these problems. You may also contact the Employee Assistance Program at **[telephone number]** for assistance. Any medical documentation that you wish to provide will be fully considered during this process.

***Exhibit 4B***

During your opportunity period I will be monitoring your performance closely and, at the end of the period, I will evaluate your work and make a determination whether your performance during the period has reached the level required for retention in your position. You will be informed soon thereafter of whatever further action is to be taken.

If you have any questions on this matter, feel free to contact me. I am available to answer your questions and to assist you in improving your performance during this period.

Sincerely,

Mr. Soupy R. Visor

[NOTE: On a copy of the letter type the following for the employee to sign:]

I acknowledge receiving this document.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date